

REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 41.33
EXPEDITED PROCEDURE
GROUP 1641
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q66584

Masayuki NAYA, et al.

Appln. No.: 10/053,585

Group Art Unit: 1641

Confirmation No.: 3468

Examiner: Christopher L. Chin

Filed: January 24, 2002

For: SURFACE PLASMON RESONANCE MEASURING CHIP AND METHOD OF
MANUFACTURE THEREOF

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 41.33

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Detailed Action dated November 14, 2008, please consider the remarks
as follows on the accompanying pages.

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REMARKS

In the Office communication dated November 14, 2008, the Examiner alleges in paragraph 1 on page 2 of the Detailed Action that “[t]he appeal brief filed on 8/19/08 is defective because the claim appendix does not contain a complete listing of all the pending claims. Claims 19-21 are missing.”

However, in MPEP §1205.02, the appeal brief is required specifically to include a claims appendix containing a copy of the claims *involved in the appeal* (section viii). In the present application, claims 19-21 have only been objected to as being dependent upon a rejected base claim. Accordingly, claims 19-21 are not involved in the appeal, and thus have been intentionally omitted from the claim appendix of the Appeal Brief filed on August 19, 2008, in accordance with §1205.02 of the MPEP.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 11, 2008


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